

claimed. Reconsideration and allowance of the pending claims is therefore respectfully requested in view of the following remarks.

Amended claim 5 now requires that the intermediate portion and the branch portion form an L-shape, the branch portion extending away from the other connecting spring plate and turned in U-shape so as to overlap each other in a plane perpendicular to the plane of branch portion. Since the branch portion extends from the intermediate portion away from the other connecting spring plate, a long branch portion and a long overlapped portion can be provided. The long overlapped portion has sufficient elasticity which ensures the contact of the head end connecting portion with the terminal of an outer circuit. And, the head end portion turned in a U-shape further ensures the contact with terminal.

As the Examiner concedes, the Applicants' admitted prior art "does not show the branch portion extended away from the other plate and turned into an U-shape, and gold plated at the head end and the base end connection portions." *Office Action*, January 25, 2002, page 2. For this shortcoming of the prior art, the Examiner has turned to teachings of the Cherian reference and further states that Cherian "shows a nickel-plated spring plate terminal 18 with a branch portion 86 turned into an U-shape with a head end-connecting portion 82

wherein the terminal ends are coated with gold." *Id.*

Moreover, the Examiner has turned to the teachings of the Ford reference for the teaching that "the branch portion 176 of one terminal extending away from the other terminal." *Office Action*, January 25, 2002, page 3.

As a preliminary matter, Applicants respectfully submit that the Examiner has not provided a legally tenable "motivation" or "suggestion" to combine the teachings of those references. The sole evidentiary support that was provided to demonstrate the alleged motivation in the prior art to combine these teachings is as follows: "It would have been obvious to one having ordinary skill in the art at the time of the instant invention to modify AAPA's terminals as shown by Cherian and Ford because this would provide a more flexible terminal with good conductive and non-resistant properties." *Id.* However, in absence of specific motivation or suggestion taught by the prior art (See MPEP 2143: "The teaching and suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, and not in Applicant's disclosure."), the obviousness rejection appears to have been improperly based solely upon the level of skill in the art. If the Examiner contends that motivation does exist in the prior art to combine the references in order to achieve the invention of claim 5,

Applicants hereby respectfully request legally appropriate documentary proof of such motivation pursuant to MPEP 2144.

Moreover, in support of the patentability of the pending claims, Applicants provide the following comments, where each of these comments independently supports the patentability of the claimed invention, such that a combination of these comments is not essential to demonstrate the patentability of the claimed invention.

First, the prior art combination does not teach all the limitations of amended claim 5, as required by MPEP 2143. In particular, the prior art combination does not disclose or suggest the branch portion extending away from the other plate and turned into an U-shape wherein the branch portion is overlapped in a plane perpendicular to the plane of the branch portion. To the contrary, the overlapped portion 92 of Cherian is in the same plane as the plane of the portion 98 and therefore the combination is a fundamentally different structure.

Second, Ford does not disclose a terminal device, rather it discloses an apparatus for cutting thermoplastic straps having heating element 58, 58A and contacts 176, 176A through which current is provided to the heating elements.

Unquestionably, this fundamental difference in intended use as well as having different USPTO classifications, should be

considered as evidence that the cited reference is non-analogous art according to MPEP 2141.01(a).

Third, even if, for the sake of argument, the Applicants' admitted prior art could be modified, it does not make such modification obvious in absence of the prior art suggesting the desirability of doing so. *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984). Here, as stated hereinabove, the Examiner has provided no clue as to where support is found for the reasoning set forth as the suggestion to combine the references, and therefore it stands merely as the Examiner's unsupported opinion. That is, why one of ordinary skill in the art would have been led to include a branch portion being extended away from the other connecting spring plate and turned in an overlapped U-shape in a plane perpendicular to the plane of the branch portion in Applicants' admitted prior art, and what advantage would have been gained by doing so. Applicants contend that none is expressed in the prior art, and thus it would appear that the only motivation for doing so is found in the hindsight afforded to Examiner when first viewed Applicants' disclosure. Of course, this is not a proper rejection under Section 103. Therefore, Applicants respectfully submit that the obviousness rejection based on the AAPA, Cherian, and Ford should be withdrawn according to MPEP 2143.01, and claim 5 should be allowable over the prior

art.

Claim 4 is dependent from claim 5 and is therefore allowable for the same reasons as claim 5.

The prior art reference made of record by the Examiner has been considered but is not believed to obviate against the allowability of the claims as amended. It is noted that this reference has not been specifically applied by the Examiner against any of the original claims.

Each issue raised in the Office Action dated January 25, 2002, has been addressed and it is believed that claims 4 and 5 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Respectfully submitted,
DENNISON, SCHULTZ &
DOUGHERTY

By: 

Amir Behnia
Attorney for Applicant
Reg. No. 50,215
(703) 412-1155 Ext. 16

Date: April 25, 2002

IN THE CLAIMS:

5. (Amended) A connecting device for a sound generator comprising:

a pair of connecting spring plates disposed adjacent to the sound generator, each of the connecting spring plates comprising a base end connecting portion, an intermediate portion, a branch portion, and a head end connecting portion, the intermediate portion and the branch portion forming an L-shape, the branch portion being extended away from the other connecting spring plate and turned in U-shape so as to be overlapped with each other in a plane perpendicular to the plane of the branch portion;

the base end connecting portion being constructed and arranged for connection to a terminal of a sound generator by soldering, and the head end connecting portion being turned in U-shape [constructed and arranged] for connection to a terminal of an outer circuit by pressing the head end connecting portion against the terminal;

a surface of the base end connecting portion being coated with gold by gold plating;

a surface of the head end connecting portion being coated with gold by gold plating, and

said coating with gold by gold plating being limited to the base and the head end connecting portions.